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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,809	07/18/2006	Ingrid Lindemann	095309.57282US	3399
23911	7590	09/24/2007		
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER HERNANDEZ, MICHAEL	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 09/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,809

Applicant(s)

LINDEMANN ET AL.

Examiner

Mike Hernandez

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to:
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/17/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The claims recite limitations regarding differences between high and low platform vehicles, however only one of which is shown in the drawings. It is not clear which type of vehicle is shown. Additionally, claims 17, 18, 29, and 34 recite limitations directed toward different door types that are not shown. Therefore, the other of the high or low-platform vehicle, as well as the different door types must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3612

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 through 19, 23, 30, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites, "the supporting frame is a frame for another door which is fastened to the frame and *is* shorter than the vehicle door of the door module" (emphasis added). It is unclear whether the emphasized 'is' refers to the supporting frame or to the door. It is suggested that 'is' be replaced with 'said another door' to clearly define the limitation.

Claims 19, 23, 30, and 35 use the term 'and/or', which is unclear as to the exact limitations of the claim. For the purposes of examination, it is suggested that only one term 'and' or 'or' be used in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 15, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,064,242 to Fujan et al.

Regarding claim 14 and 24, Fujan et al. discloses a drivers cab for a utility vehicle, comprising: a preassemblable door module 110,112 on at least one side of the vehicle, the door module including a door frame and a door mounted on the door frame (Fig 2); a supporting structure 40 on which the door is arranged, wherein the supporting structure is prepared for the mounting of the door module, and wherein in the mounted state, the door frame is secured on the supporting structure. With respect to claim 24, a plurality of drivers' cabs is simply a duplication of parts and provides no patentable distinction over the prior art.

As to claim 15 and 25, Fujan et al. discloses a cab wherein in a region of the door module the supporting structure includes a supporting frame to which the door frame is securely fitted or into which the door frame is securely inserted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains: Patentability shall not be negated by the manner in which the invention was made.

Claims 16 through 23, and 26 through 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujan et al. in view of US Pat No 5,159,746 to Saggese.

Regarding claims 16, 20, 26, and 31, Fujan et al. discloses a driver's cab as applied to claims 1 and 24, previously, however fails to disclose a door module designed to make a low entrance to a driver's cab possible.

Saggese teaches door modules designed for use with low or high entrances for low and high platform vehicles, respectively.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device described by Fujan et al. with door modules designed for low or high entrances, depending on the type of vehicle, as taught by Fujan et al., in order to provide the suitable entrance type for the desired vehicle type without having to alter the manufacturing process excessively.

As to claims 17 through 23, 29, 30, 34, and 35, given the device of Fujan et al. in view of Saggese, it is an obvious expedient to bolt a door directly to the supporting frame in the absence of a door module, as doors are typically affixed directly to supporting frames in industry and would have been obvious to do so when a door module is removed. Additionally, Fujan et al. discloses (Col 2 Ln 30-35) door modules may easily be removed and replaced. The various types of doors affixed to the vehicle in either a door module or directly to the supporting frame are an obvious expedient as utility vehicles are typically adapted with doors that suit the particular utility for which the vehicle is to be used.

As to claims 27, 28, 32, and 33, Fujan et al. shows (Fig 1) the driver's cab does not have a curvature and has a closed appearance together with the supporting structure.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references attached to this action disclose various vehicle door modules and attachment means for a number of different platform height vehicles similar to that of the present application.

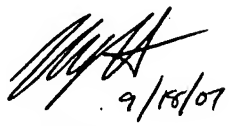
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Hernandez whose telephone number is 571-272-2354. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DENNIS H. PEDDER
PRIMARY EXAMINER

AV 36.2 9/19/07


9/19/07
MJH